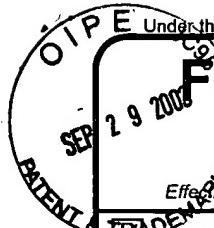


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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 465.00)

## Complete if Known

Application Number	09/894,044
Filing Date	June 28, 2001
First Named Inventor	Boire, Martin
Examiner Name	William Miller
Art Unit	3677
Attorney Docket No.	BOI-1CIP

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	02-0910
Deposit Account Name	Brown & Michaels PC

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
 

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		0.00	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X 9.00 =	0.00
			- 3** =	X 42.00 =	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 465.00)

## SUBMITTED BY

(Complete if applicable)

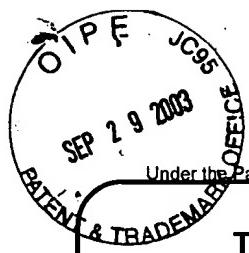
Name (Print/Type)	Christopher A. Michaels	Registration No. (Attorney/Agent)	34,390	Telephone (607) 256-2000
Signature		Date	9/25/03	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PTO/SB/21 (08-03)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	
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Application Number	09/894,044
Filing Date	June 28, 2001
First Named Inventor	Boire, Martin
Art Unit	3677
Examiner Name	William Miller

Attorney Docket Number	BOI-1CIP
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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PostCard

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brown & Michaels, PC	
Signature		
Date	9/23/03	

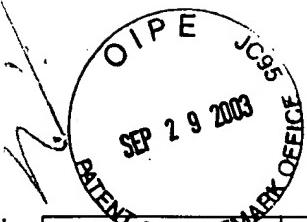
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Justin Wood	
Signature		Date 9/23/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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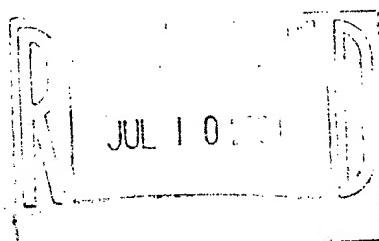
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/233,397 01/19/99 BOIRE

M BIO-1

PM82/0705

BROWN PINNISI AND MICHAELS  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA NY 14850



EXAMINER

SILBERMANN, J

ART UNIT	PAPER NUMBER
3628	6

DATE MAILED: 07/05/00  
10/5/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Art Unit: 3628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilmes in view of Stupar, US #3977104.

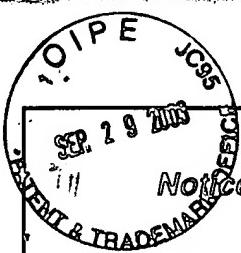
Wilmes does not particularly teach the sign plate as being orthogonal to or angle with respect to a pipe, when used, however, this is well known in the art. Stupar teaches the sign plate 12 (Figure 2) as being orthogonal to its support. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to place the sign plate at whichever orientation would make it most easily visible.

9. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilmes in view of Whitehouse et al., US #5428914.

Wilmes does not teach the use of Braille or a cover, however, these are both well known in the art. Whitehouse teaches a sign which may be used with Braille (col. 1 line 65 through col. 2 line 3) and which includes plastic cover 55 (col. 6 lines 20-29). It would have been obvious to one of ordinary skill to use Braille on a sign so that it may be read by the visually impaired. It would have been obvious to utilize a plastic cover on the sign plate of Wilmes to provide protection for the display.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 5307576, 4844000, 3550299, 5170578, 4649658, 5335889, 5732915, 5799916, 2675594, 5311688 and German application 633468 and British specification 1027818 are cited as of interest.



### Notice of References Cited

Application No.  
233397

Applicant(s)  
Boire et al.

Examiner  
Silbermann

Group Art Unit  
3628

Page 1 of 2

#### U.S. PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	4246712	1.1981	Vander Wall	40	316
B	5027538	7.1991	Wilmes et al.	40	316
C	3977104	8.1976	Stupar	40	316
D	5428914	7.1995	Whitehouse et al.	40	621
E	4844800	7.1989	Clement	40	316X
F	5307576	5.1994	Machen	40	316
G	5311688	5.1994	Aeschbacher et al.	40	316X
H	2675594	4.1954	Dryden	40	304X
I	5799916	9.1998	Lechner	248	219.4X
J	5732915	3.1998	Heard	248	219.4
K	5335889	8.1994	Hopkins et al.	248	219.4X
L	4649658	3.1987	Sarton et al.	40	316
M	5170578	12.1992	Pampel	40	316

#### FOREIGN PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N	633468	7.1936	Germany	Ditzmann	40	316
O	1027818	4.1946	Great Britain	Downer	40	316
P						
Q						
R						
S						
T						

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DOCUMENT (Including Author, Title, Source, and Pertinent Pages)

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\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)

Part of Paper No.

6